

BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. AC-2011-15

HENG BILL CHHAY
1516 South Sierra Avenue A
Alhambra, CA 91801

Certified Public Accountant Certificate No.
83718

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the California Board of Accountancy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 28, 2012.

It is so ORDERED May 29, 2012.


FOR THE CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
E-mail: Cristina.Felix@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. AC-2011-15

12 **HENG BILL CHHAY**
13 **1516 South Sierra Avenue A**
Alhambra, CA 91801

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Certified Public Accountant Certificate No.**
15 **83718**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Patti Bowers (Complainant) is the Executive Officer of the California Board of
21 Accountancy. She brought this action solely in her official capacity and is represented in this
22 matter by Kamala D. Harris, Attorney General of the State of California, by Cristina Felix,
23 Deputy Attorney General.

24 2. Heng Bill Chhay (Respondent) is representing himself in this proceeding and has
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about August 1, 2002, the California Board of Accountancy issued Certified
27 Public Accountant Certificate No. 83718 to Respondent. The Certified Public Accountant
28 Certificate expired on September 1, 2010, and has not been renewed.

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1 1. The surrender of Respondent's Certified Public Accountant Certificate and the
2 acceptance of the surrendered license by the CBA shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
4 of Respondent's license history with the California Board of Accountancy.

5 2. Respondent shall lose all rights and privileges as a Certified Public Accountant in
6 California as of the effective date of the CBA's Decision and Order.

7 3. Respondent shall cause to be delivered to the CBA his pocket license and, if one was
8 issued, his wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the CBA shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. AC-2011-15 shall be deemed to be true, correct and admitted by Respondent
14 when the CBA determines whether to grant or deny the petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$6,081.87 within one year of the effective date of the Decision and Order. Full
17 payment must be paid prior to issuance of a new or reinstated license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, all of the charges and allegations contained in Accusation,
20 No. AC-2011-15 shall be deemed to be true, correct, and admitted by Respondent for the purpose
21 of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Certified Public Accountant Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Accountancy.

DATED:

5/7/2012


HENG BILL CHIU
Respondent

ENDORSEMENT

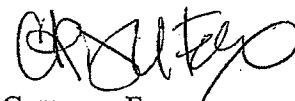
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

DATED:

May 1, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


CRISTINA FELIX
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. AC-2011-15

1 KAMALA D. HARRIS.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
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8 **BEFORE THE**
9 **CALIFORNIA BOARD OF ACCOUNTANCY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **HENG BILL CHHAY**
13 **a.k.a., CHENG BILL LY**
14 **a.k.a., WILLIAM CHHAY**
15 **a.k.a., BILL CHHAY HENG**
16 1166 Volante Drive
Arcadia, CA 91007

17 Certified Public Accountant Certificate
No. 83718

Respondent.

Case No. AC-2011-15

A C C U S A T I O N

18 Complainant alleges:

19 **PARTIES**

20 1. Patti Bowers (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the California Board of Accountancy, Department of Consumer Affairs.

22 2. On or about August 1, 2002, the California Board of Accountancy (Board) issued
23 Certified Public Accountant Certificate No. 83718 to Heng Bill Chhay, also known as Cheng Bill
24 Ly, William Chhay, and Bill Chhay Heng (Respondent). On or about August 31, 2004, said
25 certificate expired. On or about September 1, 2004, said certificate was renewed through on or
26 about August 31, 2006, with continuing education (active). On or about September 1, 2006, said
27 certificate expired and was not valid through on or about September 21, 2007, pursuant to
28 Business and Professions Code section 5070.5 (failure to pay renewal fee) and failure to submit

1 declaration of compliance with continuing education requirements. Effective September 22,
2 2007, said certificate was renewed through on or about August 31, 2008, upon receipt of renewal
3 fees and declaration of compliance with continuing education requirements (active). On or about
4 September 1, 2008, said certificate expired and was not valid through on or about August 24,
5 2009, pursuant to Business and Professions Code section 5070.5 (failure to pay renewal fee) and
6 failure to submit declaration of compliance with continuing education requirements. Effective
7 August 25, 2009, said certificate was renewed through on or about August 31, 2010, upon receipt
8 of renewal fees and declaration of compliance with continuing education requirements (active).
9 The Certified Public Accountant Certificate expired on September 1, 2010, and has not been
10 renewed.

11 JURISDICTION

12 3. This Accusation is brought before the Board under the authority of the following
13 laws. All section references are to the Business and Professions Code unless otherwise indicated.

14 4. Section 490 states, in pertinent part:

15 "(a) In addition to any other action that a board is permitted to take against a licensee, a
16 board may suspend or revoke a license on the ground that the licensee has been convicted of a
17 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
18 or profession for which the license was issued.

19 (b) Notwithstanding any other provision of law, a board may exercise any authority to
20 discipline a licensee for conviction of a crime that is independent of the authority granted under
21 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
22 of the business or profession for which the licensee's license was issued.

23 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
24 conviction following a plea of nolo contendere. Any action that a board is permitted to take
25 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
26 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
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1 made suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.”

3 5. Section 5063, subdivision (a) states, in pertinent part:

4 “(a) A licensee shall report to the board in writing of the occurrence of any of the
5 following events occurring on or after January 1, 1997, within 30 days of the date the licensee has
6 knowledge of these events:

7 (1) The conviction of the licensee of any of the following:

8 (A) A felony.

9 (B) Any crime related to the qualifications, functions, or duties of a public accountant or
10 certified public accountant, or to acts or activities in the course and scope of the practice of public
11 accountancy.

12 (C) Any crime involving theft, embezzlement, misappropriation of funds or property,
13 breach of a fiduciary responsibility, or the preparation, publication, or dissemination of false,
14 fraudulent, or materially misleading financial statements, reports, or information.”

15 6. Section 5100 states, in pertinent part:

16 "After notice and hearing the board may revoke, suspend, or refuse to renew any permit or
17 certificate granted under Article 4 (commencing with Section 5070) and Article 5 (commencing
18 with Section 5080), or may censure the holder of that permit or certificate for unprofessional
19 conduct that includes, but is not limited to, one or any combination of the following causes:

20 (a) Conviction of any crime substantially related to the qualifications, functions and duties
21 of a certified public accountant or a public accountant.

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23 (i) Fiscal dishonesty or breach of fiduciary responsibility of any kind.

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25 (k) Embezzlement, theft, misappropriation of funds or property, or obtaining money,
26 property, or other valuable consideration by fraudulent means or false pretenses.”

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1 7. Section 5106 states:

2 "A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to
3 be a conviction within the meaning of this article. The record of the conviction shall be
4 conclusive evidence thereof. The board may order the certificate or permit suspended or revoked,
5 or may decline to issue a certificate or permit, when the time for appeal has elapsed, or the
6 judgment of conviction has been affirmed on appeal or when an order granting probation is made,
7 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
8 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter
9 a plea of not guilty, or setting aside the verdict of guilty or dismissing the accusation, information
10 or indictment."

11 **REGULATORY PROVISIONS**

12 8. California Code of Regulations, title 16, section 99 states, in pertinent part:

13 "For the purposes of denial, suspension, or revocation of a certificate or permit pursuant to
14 Division 1.5 (commencing with Section 475 of the Business and Professions Code), a crime or act
15 shall be considered to be substantially related to the qualifications, functions or duties of a
16 certified public accountant or public accountant if to a substantial degree it evidences present or
17 potential unfitness of a certified public accountant or public accountant to perform the functions
18 authorized by his or her certificate or permit in a manner consistent with the public health, safety,
19 or welfare."

20 **COST RECOVERY**

21 9. Section 5107, subdivision (a) states:

22 "The executive officer of the board may request the administrative law judge, as part of the
23 proposed decision in a disciplinary proceeding, to direct any holder of a permit or certificate
24 found to have committed a violation or violations of this chapter to pay to the board all reasonable
25 costs of investigation and prosecution of the case, including, but not limited to, attorneys' fees.
26 The board shall not recover costs incurred at the administrative hearing."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 10. Respondent is subject to disciplinary action under sections 5100, subdivision (a) and
4 490, in conjunction with California Code of Regulations, title 16, section 99, in that Respondent
5 was convicted of a crime substantially related to the qualifications, functions, or duties of a
6 Certified Public Accountant. On or about March 18, 2010, after pleading nolo contendere,
7 Respondent was convicted of one felony count of violating Penal Code section 487, subdivision
8 (a) [grand theft: money/labor/property over \$400] in the criminal proceeding entitled *The People*
9 *of the State of California v. Heng Bill Chhay, a.k.a. Bill Chhay* (Super. Ct. San Bernardino
10 County, 2010, No. FW903020). The Court sentenced Respondent to serve 180 days in the San
11 Bernardino County Jail, ordered him to pay restitution to Guardian Companies in the total amount
12 of \$557,116.17, and placed him on 36 months formal probation, with terms and conditions. The
13 circumstances surrounding the conviction are that on or about June 22, 2007 through May 5,
14 2008, Respondent, while an agent, servant, and employee of Empire Companies, unlawfully took
15 from said companies money and the personal property of a value exceeding Four Hundred
16 Dollars (\$400).

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Fiscal Dishonesty or Breach of Fiduciary Responsibility)**

19 11. Respondent is subject to disciplinary action under section 5100, subdivision (i), in
20 that from on or about June 22, 2007 through on or about May 5, 2008, Respondent knowingly
21 committed fiscal dishonesty or breached his fiduciary responsibility. Complainant refers to, and
22 by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth
23 fully.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Embezzlement, Theft, Misappropriation of Funds or Property)

3 12. Respondent is subject to disciplinary action under section 5100, subdivision (k), in
4 that from on or about June 22, 2007 through on or about May 5, 2008, Respondent embezzled,
5 stole, misappropriated funds or property by fraudulent means or false pretenses. Complainant
6 refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as
7 though set forth fully.

8 FOURTH CAUSE FOR DISCIPLINE

9 (Failure to Notify the Board)

10 13. Respondent is subject to disciplinary action under section 5100, subdivision (a) and
11 5063, in that Respondent failed to notify the Board of his felony conviction, within 30 days of the
12 date of the conviction. Complainant refers to, and by this reference incorporates, the allegations
13 set forth above in paragraph 10, as though set forth fully.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending or otherwise imposing discipline upon Certified Public
18 Accountant Certificate No. 83718, issued to Respondent;
- 19 2. Ordering Respondent to pay the California Board of Accountancy the reasonable
20 costs of the investigation and enforcement of this case, pursuant to section 5107;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 2-7-12

Deann Pearce for
PATTI BOWERS
Executive Officer
California Board of Accountancy
Department of Consumer Affairs
State of California
Complainant

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28 jz(11/28/11) cf (1/17.12)